

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN KRAUSE and
PATRICIA KRAUSE,

Plaintiffs,

Case No. 05-60224

v.

Hon. John Corbett O'Meara

MICHIGAN MORTGAGE CENTER, INC.,
CHRISTOPHER AHEARN,

Defendants.

ORDER OF PARTIAL DISMISSAL

On September 23, 2005, Plaintiffs filed a complaint alleging the following causes of action: Count I, Equal Credit Opportunity Act; Count II, Michigan Mortgage Originator, Lender, Servicer, Licensing Act, M.C.L. § 445.1651 *et seq.*; and Count III, misrepresentation. Plaintiffs do not allege that diversity jurisdiction exists. Although Count I is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. This court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Count II of Plaintiff's complaint is DISMISSED.

s/John Corbett O'Meara

John Corbett O'Meara
United States District Judge

Dated: October 19, 2005